

Notice of Allowability	Application No.	Applicant(s)
	09/768,454	FUKUYOSHI ET AL.
	Examiner	Art Unit
	Justin P Misleh	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the After-Final Amendment filed 23 March 2005.
2. The allowed claim(s) is/are 1 and 3 - 17 (now renumbered 1 - 16, respectively).
3. The drawings filed on 02 January 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with David M. Pitcher on 1 April 2005.

2. The application has been amended as follows:

Claim 7 (line 4)

Please delete "lenses; and" and replace it with "resin lenses; and"

Allowable Subject Matter

3. **Claims 1 and 3 – 17** (now renumbered 1 – 16, respectively) are allowed.
4. The following is an Examiner's statement of reasons for allowance:

For **Claims 1, 12, and 17**, Isokawa in view of Nakai et al. (the closest prior art) teach in combination a solid image-pickup device, comprising: a micro lens array formed by a plurality of resin micro lenses arranged in a matrix, an undercoat layer to fix said micro lens array and having a ditch formed between adjacent said resin micro lenses; and a transparent resin layer covering said plural resin micro lenses with substantially the same thickness and the ditch between said adjacent resin micro lenses. However, the closest prior art does not teach or fairly suggest wherein the minimum thickness of said transparent resin layer in the ditch between said

adjacent resin lenses in the diagonal direction of said lens array is smaller than the minimum thickness of said transparent resin layer in the ditch between adjacent resin lenses in the arranging direction of said lens array.

For **Claim 7**, Isokawa in view of Nakai et al. (the closest prior art) teach in combination a solid image-pickup device, comprising: a micro lens array formed by a plurality of resin micro lenses arranged in a matrix, an undercoat layer to fix said micro lens array and having a ditch formed between adjacent said resin micro lenses; and a transparent resin layer covering said plural resin micro lenses with substantially the same thickness and the ditch between said adjacent resin micro lenses. However, the closest prior art does not teach or fairly suggest wherein the difference between the height of the surface of said transparent layer in the ditch in the diagonal direction of said lens array and the height of the tops of micro lenses each consisting of said resin lens and said transparent resin layer covering the surface of said resin lens is larger than the difference between the height of the surface of said transparent layer in the ditch in an arranging direction of said lens array and the height of the top of the micro lens.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

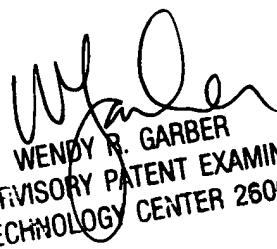
Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:00 PM and on alternating Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 571.272.7308. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
April 1, 2005



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600